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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/363,949	07/29/1999	DUANE KIMBELL FIELDS	AT9-99-201	8760

35525 7590 05/06/2004  
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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 05/06/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/363,949

Applicant(s)

FIELDS ET AL.

Examiner

LaShonda T. Jacobs

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-12 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 20-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is in response to Applicant's Election Response to prosecute the invention of claims 9-12 and 20-22. Claims 1-8, 13-16, 17-18, 23-27 and 28-29 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **9-12** and **20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosling et al (hereinafter, "Gosling", EP 0810524) in view of Aggrawal et al (hereinafter, "Aggrawal", 5,924,116)

As per claims **9** and **20**, Gosling discloses a method for enabling a web client to add functionality to a web server on an as-needed basis, comprising the steps of:

- receiving a request from a client, the request identifying a code module required to process the request (col. 4, lines 42-53, and col. 6, lines 36-50).

However, Gosling does not explicitly disclose:

- responsive to a determination that the code module is not available at the web server, uploading a code module from the client to the web server; and

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- at the web server, using the uploaded code module as needed to service a given request from the web client.

Aggrawal discloses a method and system of collaborating caching information including:

- responsive to a determination that the code module is not available at the web server, uploading a code module from the client to the web server (col. 5, lines 13-24); and
- at the web server, using the uploaded code module as needed to service a given request from the web client (col. 5, lines 13-24, Aggrawal discloses a servlet that allows a client program to upload additional information and execute the code within the server. The client disclose by Aggrawal can also act as a server. Therefore, Aggrawal discloses uploading a code module, as needed to the service a given request from a client).

Given the teaching of Aggrawal, it would have been obvious to one of ordinary skill in the art to modify Gosling by specifying that client uploads additional program code to be executed within the server in order to process the client request in a timely and efficient manner.

As per claim 10, Gosling discloses:

- wherein the web client is a pervasive computing client (col. 4, lines 59-65, Gosling discloses a client computer which is connected to a server computer by a transmission channel, which may be any wired or wireless transmission channel. Therefore, the client computer disclosed by Gosling meets the definition of a pervasive computing client.).

As per claim 11, Gosling discloses:

- wherein the code module translates data into a given proprietary format and serves the translated data back to the pervasive computing client (pg. 4, lines 13-15 and lines 34-

40, Gosling discloses that a servlet can perform format conversions and send the information back to the client).

As per claim 12, Gosling discloses:

- wherein the code module conforms to a given application programming interface (API) (pg. 3, lines 13-17 and pg. 5, lines 18-42).

As per claim 21, Gosling discloses:

- means for authenticating the given code module (pg. 4, lines 16-27 and lines 41-48).

As per claim 22, Gosling discloses:

- means for executing the code module to respond to the request (pg. 2, lines 30-35 and pg. 3, lines 13-19).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs  
Examiner  
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April 22, 2004

  
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